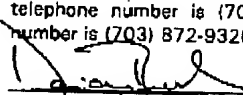


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I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Stephen A. Vu whose telephone number is (703) 308-1378 and fax number is (703) 872-9326 on April 23, 2003.


David H. Brinkman, Reg. No. 40,532

4/23/03
Date

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Brockway et al.
Serial No.: 09/976,006
Filed: October 12, 2001
Group Art Unit: 3636
Confirmation No.: 9617
Examiner: Vu, Stephen A.
Title: **EXAMINATION AND TREATMENT CHAIR**
Atty Docket: MIDTF-306P2

Cincinnati, Ohio 45202

April 23, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Sir:

In response to the Office Action mailed on January 23, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Abstract are reflected on page 7 of this paper.

Remarks/Arguments begin on page 8 of this paper.

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**PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION**

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
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TECHNICAL ADVISORS
HENRY M. LABODA, Ph.D.
LARRY D. MOORE, B.S.E.E.

TO: The Honorable Commissioner
Attention: Stephen A. Vu
Art Unit 3636

FROM: David H. Brinkman

Fax No.: (703) 872-9326

Phone: (513) 241-2324

Date: April 23, 2003

Fax: (513) 421-7269

Pages (including cover page): 15

Re: U.S. Serial No. 09/976,006 EXAMINATION AND TREATMENT CHAIR

ATTACHMENTS/COMMENTS: OFFICIAL

Please deliver to Stephen A. Vu
Amendment Transmittal (3 pages)
Amendment (8 pages)

CERTIFICATE OF FACSIMILE TRANSMISSION

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to the Patent and Trademark Office fax number (703) 872-9326 on the
date shown below.

Donald A. Etienne

April 23, 2003
Date

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David H. Brinkman
David H. Brinkman, Reg. No. 40,532

4/23/03
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty Docket: MIDTF-306P2

Cincinnati, Ohio 45202

April 23, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. ☐ Small Entity status is claimed.
☒ Other than a Small Entity.
3. The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	18	MINUS	18	= 0	x \$9	\$0	x \$18	\$0
INDEP.	3	MINUS	3	= 0	x \$42	\$0	x \$84	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$140	\$0	+ \$280	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☒ No additional fee for claims is required.

4. Attached is a check in the sum of \$_____.

_____ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

- (a) _____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
_____ one month	\$ 110.00	\$ 55.00
_____ two months	\$ 410.00	\$205.00
_____ three months	\$ 930.00	\$465.00
_____ four months	\$1,450.00	\$725.00

_____ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

(b) X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

X If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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